

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 5	Number 10	Effective Date 02/09/11	Review Date 2014
Subject CONCEALED WEAPONS FOR <i>QUALIFIED</i> RPD OFFICERS AND REQUIREMENTS FOR THE FLEO SAFETY ACT			☐ New Order ☒ Replaces <i>G.O. 05-10, (06/07/06)</i>
References VA Code §18.2-308 (B) (7) Richmond City Code §66-349 18 U.S.C. 926 (C) Law Enforcement Officers Safety Act			
 _____ Chief of Police or Designee		02/09/11 _____ Date	

I. PURPOSE

This directive covers the procedures for *qualified* Richmond Police Officers to obtain the authorization to carry a concealed weapon under both VA Code §18.2-308 (B)(7) and Richmond City Code §66-349 as well as a concealed handgun under the **Federal** Law Enforcement Officers (**FLEO**) Safety Act, 18 U.S.C. 926 (C).

II. POLICY

It is the policy of the Richmond Police Department (**RPD**) to establish the proper guidelines to ensure that its eligible officers comply with the provisions established in the Law Enforcement Officers Safety Act, 18 U.S.C. 926 (C), to carry a concealed handgun, Code of Virginia and Richmond City Code, when applying for and carrying an authorization to carry a concealed weapon.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURE

A. Concealed Carry Authorization under Code of Virginia/Richmond City Code:

1. Virginia Code §18.2-308 and Richmond City Code §66-349 permit ***current, retired or resigned*** local law enforcement officers to carry a concealed weapon provided that the officer was not terminated for cause and ***separated in good standing***:
 - a) ***Following retirement*** with a service-related disability; or,
 - b) Following at least 15 years of service with the Department of State Police, a police department or sheriff's office within the Commonwealth, the State Corporation Commission, the Alcoholic Beverage Control Board, the Department of Game and Inland Fisheries, the Law Enforcement Division of the Virginia Marine Resources Commission or any combination thereof; or,
 - c) Who has reached the age of 55.
Or,
 - d) ***Who is on long-term leave from such law-enforcement agency or board due to a service-related injury;***
Or,
 - e) ***Who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1.***

Provided such officer carries with him/her written proof of consultation and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired ***or resigned or the agency that employs the officer*** or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board ***or Commission*** to the Department of State Police for entry into the Virginia Criminal Information Network (***VCIN***). The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

2. For purposes of applying the reciprocity provisions §18.2-308 of the Code of Virginia, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

NOTE: The authorization to carry a concealed weapon issued by the Richmond Police Department, pursuant to §18.2-308 of the Code of Virginia and §66-349 of the Richmond City Code allow the holder to carry any type of concealed weapon, anywhere in Virginia. These authorizations do not require periodic renewal and do not require qualification.

- B. The Law Enforcement Officers Safety Act, 18 U.S.C. 926 (C), permits the nationwide carrying of concealed handguns by qualified current, retired *or resigned* law enforcement officers and amends the Gun Control Act of 1968 to exempt all qualified law enforcement officers from state and local laws governing the carrying of concealed weapons.
- C. Restrictions/Limitations of the Law Enforcement Officers Safety Act: (1) This law allows the concealment of handguns only and specifically excludes machineguns, silencers and destructive devices; and (2) The authorization to carry a concealed weapon must be renewed annually and will be revoked at anytime should the holder become ineligible to possess a firearm.
- D. This law does not exempt these individuals from federal laws or regulations that prohibit the carrying of firearms in certain places such as aircraft, federal buildings, federal property and national parks. It does not supersede or limit any State laws that (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property or (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base or park.
- E. Eligibility Criteria for Carrying a Concealed Weapon in the Commonwealth of Virginia:
 - 1. Upon request, a *qualified, current*, retired *or resigned* Richmond police officer may obtain an Application *for* Authorization *and Certification* Form to Carry a Concealed Weapon *and/or a Concealed Handgun* (PD-124) from the Department's Personnel and Recruitment Unit. When applying for the authorization, the *qualified* police officer must show his/her *identification card or* retired identification card issued by the RPD to the Personnel & Recruitment Unit's designated staff. At such time, the Personnel & Recruitment Unit shall provide the *applicant* with a copy of this policy, a copy of §18.2-308 of the Code of Virginia, a copy of §66-349 of the Richmond City Code and a copy of 18 U.S.C. 926 (C).
 - 2. The PD-124 form must be completed in its entirety. The *applicant* will certify on the form that he/she is familiar with all of the applicable legal requirements, is aware of all of the requirements and prohibitions of these laws and meets all of the requirements. The form must be legibly printed or typed and contain an original signature. Photocopies will not be processed.
 - 3. Upon completion of the required PD-124, the applicant must personally deliver *or mail* the PD-124 to the Personnel & Recruitment Unit at Police Headquarters.
 - 4. The Personnel & Recruitment Unit shall conduct a background check, criminal records checks and ensure that a copy of the *qualified officer's* fingerprints are on file to ensure that the applicant meets all established legal guidelines and to confirm that the officer *has* not received any disqualifying criminal convictions since *his/her separation from service*. If the *officer's* fingerprints are not on file,

the Personnel and Recruit Unit's personnel shall ensure that the applicant's fingerprints are taken.

5. If *an* RPD officer meets all of the applicable legal requirements, the Personnel & Recruitment Unit will prepare an authorization and assign an issuance number. The authorization, along with the applicant's original PD-124 form, shall then be submitted to the Chief of Police for approval. Both the authorization and the bottom section of the PD-124 will be signed by the Chief of Police.
6. Upon approval by the Chief of Police, the Personnel & Recruitment Unit will ensure that the successful applicant is notified to come to the Personnel & Recruitment Unit to pick-up the authorization. When the *applicant* comes in, he/she must sign and date the approved authorization.
7. The Personnel & Recruitment Unit shall maintain a *database* that lists the applicants who have received the approved authorizations.
8. After an authorization has been issued, all pertinent data concerning the holder of the authorization, including the issuance number, will be sent in written form to the Virginia State Police by the *Personnel & Recruitment* Unit's *designee*. The *applicant's* PD-124 will be retained on file by the Personnel & Recruitment Unit.

F. Disapproved Applicants:

The Personnel & Recruitment Unit's *designee* will *provide* the applicant with a written explanation for the denial of the authorization request.

G. Revocation of Authorization:

1. Upon learning that *an applicant* has become ineligible to possess a concealed weapon, the Personnel & Recruitment Unit's OIC or designee shall issue a notice by certified mail that his/her concealed weapon authorization is no longer valid and the authorization must be returned. The *applicant* shall deliver the authorization, in person or by U.S. certified mail, for return to the Personnel & Recruitment Unit within fourteen (14) business days of receiving the notice.
2. The Personnel & Recruitment Unit's OIC or designee shall send written notification of the revocation to the Virginia State Police for entry into the VCIN database.

H. Re-Issuance of Concealed Weapons Authorization:

In the event of a lost or stolen concealed weapons authorization, the affected applicant must reapply for another authorization, in person, *and pay* a \$10.00 processing fee.

I. Eligibility Criteria for Carrying a Concealed Handgun *Nationwide* in Compliance with the Law Enforcement Officers Safety Act, 18 U.S.C. 926 (C):

1. For purposes of 18 U.S.C. 926 (C), a qualified ***separated*** law enforcement officer is an individual who meets the following requirements:
 - ***Separated*** in good standing from service with a public agency as a law enforcement officer;
 - Before such ***separation***, was authorized by law to engage in or supervise the prevention, detection, investigation or prosecution of or the incarceration of any person for, any violation of law and had the statutory powers of arrest;
 - Before such ***separation***, was regularly employed as a law enforcement officer for an aggregate of ***10*** years or more or (b) ***separated*** from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
 - ***Is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;***
 - During the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms, ***as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;***
 - ***Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health;***
 - ***Has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health;***
 - Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and,
 - Is not prohibited by Federal law from receiving a firearm.
2. To meet federal requirements to carry a concealed weapon nationwide, the ***applicant's*** photo identification card must indicate that the ***applicant***, within the previous twelve (12) months, has been tested and met the ***State's and/or the Department's*** standard for training and qualification for active ***law enforcement*** officers to carry firearms. That certification shall be at the expense of the ***applying*** officer.

3. *Applicants shall be limited to qualifying with two (2) handguns between .380 to .45 caliber and applicants shall be responsible for providing their own ammunition during qualification. The ammunition must be commercially produced and have a minimum muzzle velocity of 800 feet per second. In addition, no reloaded ammunition is authorized for use.*
4. The applicant shall attend one of the biennial qualification dates, as established annually by the Training ***Division and Personnel & Recruitment Unit***. ***Personnel & Recruitment Unit personnel*** shall maintain records documenting the specific types of weapons, limited to semi-automatic handguns and revolvers, qualified with by each applicant.
5. To apply, the applicant shall either request a ***PD-124a*** from the Department's Personnel and Recruitment Unit or use RPD's Website to obtain the ***PD-124a*** form.
6. Upon completion of the ***PD-124a***, the applicant must bring his/her ***a valid government-issued*** identification card to the Personnel & Recruitment Unit ***at least seven (7) business days prior to qualifying***. ***Retirees shall present a valid retiree identification card.***
7. The Personnel & Recruitment Unit shall conduct a background check including, but not limited to, a criminal records check and ensure that the applicant has a fingerprint card on file. ***If*** the applicant does not have a fingerprint card on file, the Personnel and Recruitment Unit's personnel will ensure that the applicant's fingerprints are taken.
8. ***The Personnel & Recruitment Unit also shall verify that the applicant has an electronic, plain-clothes photo on file with the Department. If not, the applicant will be instructed to make arrangements with the RPD's Photo Lab Technician to have the picture taken and saved on the Department's server.***

NOTE: Before the ***applicant*** qualifies for the certification to carry a concealed handgun, the Academy's OIC ***or designee*** will ensure that he/she completes a Waiver and Release by a Qualified ***Applicant*** form (PD-125).

9. Upon successful completion of the annual qualification and certification processes to carry a concealed handgun, the Personnel & Recruitment Unit will ensure that a certification card is produced ***which*** denotes the firearm type (***make and model***) used by the applicant to qualify, along with the expiration date set for one year from the original qualification date. The aforementioned information shall be listed on the successful applicant's certification card.
10. The applicant will be given a certification card and the ***applicant*** will be instructed that he/she must be re-certified annually to carry the concealed handgun.

NOTE: At all times when carrying a concealed handgun, the ***applicant*** must carry ***the*** valid RPD ***photographic*** certification card.

J. Applicants failing required certification:

If the applicant fails to successfully pass the qualifying certification test, the Training *Division's* OIC or designee will at once inform the unsuccessful applicant that after six (6) months, he/she may *re-apply for certification*.

V. FORMS

- A. PD-124, *Application for Authorization and Certification Form to Carry a Concealed Weapon and/or a Concealed Handgun*
- B. *PD-124a, Application for Authorization and Certification Form to Carry a Concealed Handgun (FLEOSA applicants only)*
- C. PD-125, *Waiver and Release by a Qualified Applicant*